

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 787

Short Title: Protect Rural Land Use Rights. (Public)

Sponsors: Representative Cleveland (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Agriculture, if favorable, Judiciary Subcommittee A.

April 11, 2013

A BILL TO BE ENTITLED

AN ACT TO PROTECT RURAL ENVIRONMENTAL AND ECONOMIC LAND USE RIGHTS BY CLARIFYING THAT OWNERS OF BONA FIDE FARMS MAY FILE A CIVIL ACTION FOR A REGULATORY TAKING IF THE OWNER CAN NO LONGER USE THE LAND FOR A BONA FIDE FARM USE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 40A of the General Statutes is amended by adding a new section to read:

"§ 40A-52. Regulatory taking of certain rural lands.

When rural property used for a bona fide farm purpose may no longer be used for a bona fide farm purpose in an economically viable manner due to the application of environmental regulations or other State laws or local ordinances limiting land use in order to obtain a general environmental benefit to the region where the property is located, the property owner may initiate an action under G.S. 40A-51 to seek compensation for the lost use of the property against any condemnor listed in G.S. 40A-3(b) or (c). For purposes of this section, "rural property" refers to any property outside the corporate limits of a municipality, including property within the extraterritorial jurisdiction of the municipality, and "bona fide farm purpose" shall have the meaning set forth in G.S. 153A-340."

SECTION 2. This act is effective when it becomes law and applies to causes of action filed on or after that date.

